IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

WP(C).No. 4451 of 2007(E)

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EP 326/06 IN OS.600/2003 of MUNSIFF COURT, PARAVUR

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PETITIONER:

C.A.PETER, S/O ANTONY, AGED 52 YEARS,
RESIDING AT HOUSE NO.73, ARSA NAGAR,
UNIVERSITY JUNCTION, UNIVERSITY P.O.,
KOCHI - 22.

BY ADV. SRI.P.RADHAKRISHNAN (1)
SRI.MADHU RADHAKRISHNAN

RESPONDENT:

O.P.JOSE, S/O POULOSE, AGED 56 YEARS,
OOKKEN HOUSE, THEKKEN THANISSERY
KARA, KAKKALLISSERI VILLAGE,
MUKUNDAPURAM TALUK.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P. Balachandran, J.

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W.P.(C)No. 4451 of 2007 E

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**JUDGMENT**

Heard the counsel for the petitioner.

2. The petitioner is the judgment debtor in O.S.No.600/03 on the file of the Munsiff's Court, N.Parur. The address of the judgment debtor shown in the Execution Petition is as residing in Kunnukara Village in Parur Taluk. It is further stated that he is the Proprietor of Vijaya Enterprises, Deshabhimani Road, Kochi. Counsel for the petitioner submits that Vijaya Enterprises is closed down on account of financial crisis several years back. However, the address in the Rule 34 notice issued to the petitioner is shown as residing at House No.73, ARSA Nagar, University Junction, University P.O., Kochi - 22, as evident from Exhibit P3. Exhibit P2 schedule of movables to be attached does not show from where those

articles are to be attached. The articles cannot be attached, if the place from where they are sought to be attached, is not within the territorial limits of jurisdiction of the Munsiff's Court, N.Parur.

In the result, I dispose of this writ petition directing that the movables sought to be attached shall not be attached, if, they are from the address shown in Exhibit P3 notice and not from the residential address shown in the Execution Petition.

8th February, 2007 (K.P.Balachandran, Judge)

tkv